

CHAPTER 304

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 20-1206

BY REPRESENTATIVE(S) Michaelson Jenet and Landgraf, Cutter, Pelton, Young, Arndt, Bird, Buentello, Caraveo, Duran, Exum, Froelich, Kraft-Tharp, Lontine, McCluskie, Mullica, Snyder, Woodrow, Hooton, Kipp, Titone, Valdez D.; also SENATOR(S) Winter and Tate, Fenberg, Fields, Ginal, Gonzales, Hansen, Pettersen, Todd.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 12-245-234 as follows:

12-245-234. Repeal of article - subject to review. This article 245 is repealed, effective September 1, ~~2020~~ 2029. Before the repeal, all of the boards relating to the licensing, registration, or certification of and grievances against any person licensed, registered, or certified pursuant to this article 245 are scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (19)(a)(III); and **add** (30)(a)(VI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (19) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2020:

(III) ~~Notwithstanding subsection (7)(a) of this section, the functions of the boards specified in article 245 of title 12, relating to the licensing, registration, or certification of and grievances against a person licensed, registered, or certified pursuant to article 245 of title 12;~~

(30) (a) The following agencies, functions, or both, are scheduled for repeal on

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

September 1, 2029:

(VI) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, THE FUNCTIONS OF THE BOARDS SPECIFIED IN ARTICLE 245 OF TITLE 12 RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF AND GRIEVANCES AGAINST A PERSON LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 245 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, 12-245-204, **amend** (5) as follows:

12-245-204. Boards - division to supervise - meetings - duties - powers - rules - removal of members - limitation on authority. (5) In carrying out its duties related to the approval of applications for licensure, registration, or certification pursuant to this section, section 12-245-214, and this article 245, each board shall delegate the function of the preliminary review and approval of applications to the staff of the board, with approval of an application ratified by action of the board IF RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its sole discretion, may individually review any application requiring board consideration prior to the approval of the application pursuant to section 12-245-214 and this article 245.

SECTION 4. In Colorado Revised Statutes, **amend** 12-245-210 as follows:

12-245-210. Drugs - medicine. (1) Nothing in this article 245 permits psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors licensed, registered, or certified under this article 245 to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by the laws of this state.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER THIS ARTICLE 245 MAY POSSESS, FURNISH, OR ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION 12-30-110.

SECTION 5. In Colorado Revised Statutes, 12-30-110, **amend** (1)(b) introductory portion, (2)(b), (3)(c)(III), and (3)(c)(IV); and **add** (3)(c)(V) and (7)(b.5) as follows:

12-30-110. Prescribing or dispensing opiate antagonists - authorized recipients - definitions. (1) (b) A law enforcement agency or first responder; an employee or volunteer of a harm reduction organization; a school district, school, or employee or agent of a school; ~~or~~ a person described in section 25-20.5-1001; OR A MENTAL HEALTH PROFESSIONAL may, pursuant to an order or standing orders and protocols:

(2) (b) A law enforcement agency, first responder, harm reduction organization, ~~or~~ person described in section 25-20.5-1001, OR A MENTAL HEALTH PROFESSIONAL is strongly encouraged to educate ~~its~~ employees and volunteers, as well as persons receiving an opiate antagonist from the law enforcement agency, first responder, harm reduction organization, ~~or~~ person described in section 25-20.5-1001, OR MENTAL HEALTH PROFESSIONAL, on the use of an opiate antagonist for overdose,

including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opiate antagonist.

(3) Neither a prescriber described in subsection (7)(h)(I) of this section nor a pharmacist engages in unprofessional conduct pursuant to section 12-240-121 or 12-280-126, respectively, and a prescriber described in subsection (7)(h)(II) of this section does not engage in conduct that is grounds for discipline pursuant to section 12-255-120, if the prescriber issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses, or the pharmacist dispenses, pursuant to an order or standing orders and protocols, an opiate antagonist in a good-faith effort to assist:

(c) The following persons in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual:

(III) A school district, school, or employee or agent of a school; ~~or~~

(IV) A person described in section 25-20.5-1001; OR

(V) A MENTAL HEALTH PROFESSIONAL.

(7) As used in this section:

(b.5) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER ARTICLE 245 OF THIS TITLE 12.

SECTION 6. In Colorado Revised Statutes, 13-21-108.7, **amend** (3)(b)(I) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions. (3) **General immunity.** (b) This subsection (3) also applies to:

(I) A law enforcement agency or first responder; an employee or volunteer of a harm reduction organization; ~~or~~ a school district, school, or employee or agent of a school acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION 12-30-110 (7)(b.5); and

SECTION 7. In Colorado Revised Statutes, 18-1-712, **amend** (2)(b)(I) as follows:

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions. (2) **General immunity.** (b) This subsection (2) also applies to:

(I) A law enforcement agency or first responder; an employee or volunteer of a harm reduction organization; ~~or~~ a school district, school, or employee or agent of a school acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION 12-30-110 (7)(b.5); and

SECTION 8. In Colorado Revised Statutes, 12-245-213, **amend** (1) introductory portion as follows:

12-245-213. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions. (1) Licensees, registrants, or certificate holders may, BUT ARE NOT REQUIRED TO, form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, if the corporations are organized and operated in accordance with this section. The articles of incorporation of a professional service corporation formed pursuant to this section must contain provisions complying with the following requirements:

SECTION 9. In Colorado Revised Statutes, 12-245-214, **amend** (2) as follows:

12-245-214. Denial of license, registration, or certification - reinstatement. (2) If a board determines that an applicant does not possess the applicable qualifications required by this article 245 or, for a licensed clinical social worker, licensed social worker, licensed marriage and family therapist, licensed professional counselor, licensed addiction counselor, or ~~level II or III~~ certified addiction counselor, is unable to demonstrate ~~his or her~~ continued professional competence as required by section 12-245-410, 12-245-506, 12-245-606, or 12-245-806, respectively, the board may deny the applicant a license, registration, or certification or deny the reinstatement of a license, registration, or certification. If the application is denied, the board shall provide the applicant with a statement in writing setting forth the basis of the board's determination that the applicant does not possess the qualifications or professional competence required by this article 245. The applicant may request a hearing on the determination as provided in section 24-4-104 (9).

SECTION 10. In Colorado Revised Statutes, 12-245-216, **amend** (1)(d)(IV) and (1)(e); and **add** (1)(f) as follows:

12-245-216. Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every licensee, registrant, or certificate holder shall provide the following information in writing to each client during the initial client contact:

(d) A statement indicating that:

(IV) The information provided by the client during therapy sessions is legally confidential in the case of ~~licensed marriage and family therapists, social workers, professional counselors, and psychologists; licensed or certified addiction counselors; and registered psychotherapists~~ INDIVIDUALS LICENSED, CERTIFIED, OR REGISTERED PURSUANT TO THIS ARTICLE 245, except as provided in section

12-245-220 and except for certain legal exceptions that will be identified by the licensee, registrant, or certificate holder should any such situation arise during therapy; ~~and~~

(e) If the mental health professional is ~~a registered~~ AN UNLICENSED psychotherapist, a statement indicating that a registered psychotherapist is a psychotherapist listed in the state's database and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state; AND

(f) A STATEMENT INDICATING THAT A CLIENT'S RECORDS MAY NOT BE MAINTAINED AFTER SEVEN YEARS PURSUANT TO SECTION 12-245-226 (1)(a)(II)(A).

SECTION 11. In Colorado Revised Statutes, 12-245-217, **amend** (2)(e)(IV); and **add** (2)(g) and (2)(h) as follows:

12-245-217. Scope of article - exemptions. (2) The provisions of this article 245 shall not apply to:

(e) A person who resides in another state and who is currently licensed or certified as a psychologist, marriage and family therapist, clinical social worker, professional counselor, or addiction counselor in that state to the extent that the licensed or certified person performs activities or services in this state, if the activities and services are:

(IV) Disclosed to the public that the person is not licensed or certified in this state; ~~or~~

(g) STUDENTS WHO ARE ENROLLED IN A SCHOOL PROGRAM AND ARE PRACTICING AS PART OF A SCHOOL PRACTICUM OR CLINICAL PROGRAM; OR

(h) A PROFESSIONAL PRACTICING AURICULAR ACUDETUX IN ACCORDANCE WITH SECTION 12-245-233.

SECTION 12. In Colorado Revised Statutes, **amend** 12-245-218 as follows:

12-245-218. Title use restrictions. (1) A psychologist, social worker, marriage and family therapist, professional counselor, PSYCHOTHERAPIST, or addiction counselor may only use the title for which ~~he or she~~ THE PERSON is licensed, certified, or registered under this article 245. Except as provided in section 12-245-306 (3), no other person shall:

(a) Hold himself or herself out to the public by any title or description of services incorporating the terms "licensed clinical social worker", "clinical social worker", "LCSW", "licensed social worker", "LSW", "CLINICAL SOCIAL WORKER CANDIDATE", "PROVISIONAL SOCIAL WORKER", "SWP", "marriage and family therapist", "LMFT", "MFT", "MARRIAGE AND FAMILY THERAPIST CANDIDATE", "MFT CANDIDATE", "MFTC", "professional counselor", "LICENSED PROFESSIONAL COUNSELOR", "LPC", "LICENSED PROFESSIONAL COUNSELOR CANDIDATE", "LPCC", "PROVISIONAL LICENSED PROFESSIONAL COUNSELOR", "psychologist", "PROVISIONAL

PSYCHOLOGIST", "psychologist candidate", "psychology", "psychological", "UNLICENSED PSYCHOTHERAPIST", "addiction counselor", "licensed addiction counselor", "LAC", "certified addiction counselor", or "CAC"; ~~and no other person shall; OR~~

(b) State or imply that ~~he or she~~ THE PERSON is licensed, CERTIFIED, OR REGISTERED to practice social work, marriage and family therapy, professional counseling, psychology, PSYCHOTHERAPY, or addiction counseling.

(2) Nothing in this section shall prohibit a person from stating or using the educational degrees that the person has obtained.

SECTION 13. In Colorado Revised Statutes, 12-245-220, **amend** (2) introductory portion and (2)(d)(IV)(B); and **repeal** (6) as follows:

12-245-220. Disclosure of confidential communications - definitions.

(2) Subsection (1) of this section does not apply AND A PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

~~(d)(IV)(B) Notwithstanding subsection (6) of this section,~~ This subsection (2)(d) applies to covered entities, as defined in HIPAA.

~~(6) This section does not apply to covered entities, their business associates, or health oversight agencies, as each is defined in the federal "Health Insurance Portability and Accountability Act of 1996", as amended by the federal "Health Information Technology for Economic and Clinical Health Act", Pub.L. 111-5, as amended, and the respective implementing regulations.~~

SECTION 14. In Colorado Revised Statutes, **add** 12-245-222.5 as follows:

12-245-222.5. Mental health disciplinary record work group - creation - recommendations - report - repeal. (1) THERE IS CREATED IN THE DIVISION THE MENTAL HEALTH DISCIPLINARY RECORD WORK GROUP CONCERNING RECORDS THAT IMPACT THE INITIAL LICENSURE, CERTIFICATION, REGISTRATION, AND ONGOING PRACTICE OF INDIVIDUALS REGULATED PURSUANT TO THIS ARTICLE 245.

(2) THE DIRECTOR SHALL SERVE AS A MEMBER OF THE WORK GROUP AND SHALL APPOINT ADDITIONAL MEMBERS THAT INCLUDE THE FOLLOWING:

(a) THREE MENTAL HEALTH PROFESSIONALS REGULATED PURSUANT TO THIS ARTICLE 245;

(b) TWO REPRESENTATIVES OF ASSOCIATIONS THAT REPRESENT PROFESSIONALS REGULATED UNDER THIS ARTICLE 245;

(c) ONE REPRESENTATIVE FROM THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101; AND

(d) THREE MEMBERS OF THE PUBLIC WHO OFFER EXPERTISE ON CRIMINAL JUSTICE REFORM, THE MENTAL HEALTH WORKFORCE, AND CONSUMER PROTECTION.

(3) THE DIRECTOR SHALL CONVENE MEETINGS OF THE WORK GROUP, WHICH SHALL MEET AS OFTEN AS THE DIRECTOR DEEMS NECESSARY. A MAJORITY OF WORK GROUP MEMBERS MUST BE PRESENT AT THE MEETING IN ORDER TO PROCEED.

(4) THE WORK GROUP IS AUTHORIZED TO MEET USING ONLINE COMMUNICATIONS PLATFORMS AND MAY MEET IN PERSON AS CIRCUMSTANCES ALLOW.

(5) MEMBERS OF THE WORK GROUP SHALL SERVE WITHOUT COMPENSATION.

(6) ON OR BEFORE JANUARY 1, 2021, THE WORK GROUP SHALL CONSIDER RECOMMENDATIONS CONCERNING RULEMAKING AND LEGISLATIVE ACTIONS REGARDING:

(a) THE TIMELINE FOR WHICH THE DIVISION SHALL MAKE LETTERS OF ADMONITION AVAILABLE TO THE PUBLIC AND ANY EXCEPTIONS FOR CONTINUED INTERNAL USE BY THE APPLICABLE REGULATOR; AND

(b) THE TIMELINES, PARAMETERS, AND CONDITIONS FOR WHICH THE DIVISION IS AUTHORIZED TO DISCLOSE TO THE PUBLIC RECORDS FOR CERTAIN FELONIES, DEFERRED SENTENCES, OR FELONY CHARGES THAT ARE NONVIOLENT, INCLUDING NONVIOLENT DRUG OFFENSES, THAT OCCURRED BEFORE THE DATE OF APPLICATION FOR INITIAL LICENSURE, CERTIFICATION, OR REGISTRATION.

(7) IN CONSIDERING ITS RECOMMENDATIONS, THE WORK GROUP MUST CONSIDER AND ACCEPT PUBLIC COMMENT REGARDING IMPACTS OF CURRENT POLICIES ON:

(a) CONSUMER PROTECTION;

(b) THE MENTAL HEALTH WORKFORCE;

(c) SOCIAL EQUITY; AND

(d) PATIENT ACCESS TO CARE.

(8) THE WORK GROUP SHALL REPORT ITS FINAL RECOMMENDATIONS AND A MINORITY REPORT, IF APPLICABLE, ON OR BEFORE JANUARY 1, 2021, TO:

(a) THE HEALTH AND HUMAN SERVICES OF THE SENATE, OR ITS SUCCESSOR COMMITTEE;

(b) THE HEALTH AND INSURANCE COMMITTEE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES;

(c) THE GOVERNOR; AND

(d) THE EXECUTIVE DIRECTOR.

(9) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2021.

SECTION 15. In Colorado Revised Statutes, 12-245-224, **amend** (1)(a) and

(1)(q); and **add** (1.5) as follows:

12-245-224. Prohibited activities - related provisions - definition. (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) Has been convicted of or pled guilty or nolo contendere to a felony OR TO ANY CRIME RELATED TO THE PERSON'S PRACTICE, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

(q) Has offered or given commissions, rebates, or other forms of remuneration for the referral of clients ~~except that~~ UNLESS THE OFFER OR REMUNERATION WAS FOR SERVICES PROVIDED, INCLUDING MARKETING, OFFICE SPACE, ADMINISTRATIVE, CONSULTATIVE, AND CLINICAL SERVICES, AND NOT FOR THE REFERRAL ITSELF. A licensee, registrant, or certificate holder may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on the person's behalf by the agent, including compensation that is paid for the results of performance of the services on a per-patient basis.

(1.5) ANY CONTRACT ENTERED INTO BY A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT FOR THE PURPOSE OF MARKETING, OFFICE SPACE, ADMINISTRATIVE SUPPORT, OR ANY OTHER OVERHEAD EXPENSE SHALL NOT PROVIDE REMUNERATION FOR REFERRALS OF CLIENTS OR PATIENTS OR OTHERWISE CREATE A FINANCIAL BENEFIT OR INCENTIVE TO THE CONTRACTOR THAT IS TIED TO OR CONDITIONED ON THE NUMBER OF CLIENTS OR PATIENTS THAT THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT SEES, THE VALUE OF THE SERVICES THAT THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT PROVIDES, OR ANY FINANCIAL RECOVERY TO WHICH THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IS ENTITLED.

SECTION 16. In Colorado Revised Statutes, 12-245-226, **amend** (2)(d)(I) as follows:

12-245-226. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (2) (d) (I) If a board has reasonable cause to believe that a licensee, registrant, or certificate holder whom the board licenses, registers, or certifies pursuant to this article 245 is unable to practice with reasonable skill and safety to patients, the board may require the licensee, registrant, or certificate holder to submit to mental or physical examinations designated by the board. Upon the failure of the licensee, registrant, or certificate holder to submit to a mental or physical examination, and unless the person shows good cause for the failure, the board may ~~act pursuant to subsection (2)(c) of this section or enjoin a licensee, registrant, or certificate holder pursuant to section 12-245-230~~ SUSPEND THE LICENSE, CERTIFICATION, OR REGISTRATION OF THE PERSON until the person submits to the required examinations.

SECTION 17. In Colorado Revised Statutes, 12-245-233, **amend** (1), (2), and (4) as follows:

12-245-233. Auricular acudetox by professionals - training - definition. (1) A ~~mental health care~~ professional who has provided documentation that he or she has been trained to perform auricular acudetox in accordance with subsection (4) of this section may perform auricular acudetox if the auricular acudetox is performed under the ~~mental health care~~ professional's current scope of practice. ~~and the mental health professional is:~~

~~(a) Licensed pursuant to this article 245;~~

~~(b) Certified as a level III addiction counselor pursuant to part 8 of this article 245; or~~

~~(c) Registered as a psychotherapist pursuant to part 7 of this article 245.~~

(2) A ~~mental health care~~ professional performing auricular acudetox pursuant to subsection (1) of this section shall not use the title "acupuncturist" or otherwise claim to be a person qualified to perform acupuncture beyond the scope of this section.

(4) In order to perform auricular acudetox pursuant to subsection (1) of this section, a ~~mental health care~~ professional must successfully complete a training program in auricular acudetox for the treatment of substance use disorders that meets or exceeds standards of training established by the National Acupuncture Detoxification Association or another organization approved by the director.

SECTION 18. In Colorado Revised Statutes, 12-245-404, **amend** (2)(c) and (4) as follows:

12-245-404. Qualifications - examination - licensure and registration.

(2) The board shall license as a licensed clinical social worker a person who files an application, in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(c) Has practiced social work for at least two years under the VIRTUAL OR IN-PERSON supervision of a licensed clinical social worker OR OTHER PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE BOARD, which practice includes training and work experience in the area of clinical social work practice; and

~~(4) (a) A person licensed as a licensed social worker pursuant to subsection (1) of this section may, but is not required to, register with the database of registered psychotherapists pursuant to section 12-245-703. THE BOARD SHALL REGISTER AS A CLINICAL SOCIAL WORKER CANDIDATE A PERSON WHO FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY THE FEE REQUIRED BY SECTION 12-245-205, WHO IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE 245 OR ANY RULES PROMULGATED BY THE BOARD, AND WHO:~~

(I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION; AND

(II) HAS NOT PREVIOUSLY REGISTERED AS A CLINICAL SOCIAL WORKER

CANDIDATE BY THE BOARD.

(b) A CLINICAL SOCIAL WORKER CANDIDATE REGISTERED PURSUANT TO THIS SUBSECTION (4) IS UNDER THE JURISDICTION OF THE BOARD. IF THE REQUIREMENTS OF SUBSECTIONS (2)(c) AND (2)(d) OF THIS SECTION ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF REGISTRATION AS A CANDIDATE, THE REGISTRATION OF THE CLINICAL SOCIAL WORKER CANDIDATE EXPIRES AND IS NOT RENEWABLE UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON WHOSE CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE OR REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE PERSON IS QUALIFIED.

SECTION 19. In Colorado Revised Statutes, 12-245-406, **amend** (3) as follows:

12-245-406. Scope of part. (3) No person may supervise the practice of social work for the purpose of licensure compliance or disciplinary proceedings unless ~~licensed~~ APPROVED BY THE BOARD pursuant to section 12-245-404. ~~except that, in cases where no licensed clinical social worker is available for supervision for licensure, the licensee may apply to the board for approval to be supervised by a person with equivalent experience as determined by the board.~~

SECTION 20. In Colorado Revised Statutes, **amend** 12-245-408 as follows:

12-245-408. Clinical social work practice of psychotherapy. For the purpose of licensure, the practice, under this part 4, of psychotherapy and other clinical activities within the definition of social work practice in section 12-245-403 is limited to licensed clinical social workers or licensed social workers supervised by ~~licensed clinical social workers~~ IN ACCORDANCE WITH SECTION 12-245-404 (2)(c).

SECTION 21. In Colorado Revised Statutes, 12-245-410, **amend** (1)(b)(III) as follows:

12-245-410. Continuing professional competency - rules - definition. (1) (b) The board shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

(III) Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession. COURSE WORK PROVIDED BY AN ACCREDITED EDUCATIONAL INSTITUTION OR A NATIONALLY OR REGIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION IS THE ONLY ONE OF A NUMBER OF CONTINUING PROFESSIONAL COMPETENCY ACTIVITIES THAT MAY SATISFY THE FULL CONTINUING COMPETENCY REQUIREMENT. Nothing in this subsection (1)(b)(III) shall require a licensed clinical social worker or a licensed social worker to retake any examination required pursuant to section 12-245-404 in connection with initial licensure.

SECTION 22. In Colorado Revised Statutes, 12-245-302, **amend** (2) introductory portion and (3) as follows:

12-245-302. State board of psychologist examiners - created - members - terms. (2) The board consists of seven members who are ~~citizens of the United~~

States and residents of the state of Colorado as follows:

(3) (a) Each board member shall hold office until the expiration of the member's appointed term or until a successor is duly appointed. ~~Except as specified in subsection (3)(b) of this section,~~ The term of each member shall be four years, and no board member shall serve more than two full consecutive terms. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the unexpired term of the member.

~~(b) The terms of office of the members on the board are modified as follows in order to ensure staggered terms of office:~~

~~(I) The second term of office of the licensed psychologist board member and one of the two board members representing the general public, whose second term would otherwise expire on June 30, 2010, shall expire on May 31, 2008, and the governor shall appoint one new licensed psychologist and one new representative of the general public to serve terms as described in subsection (3)(a) of this section commencing on June 1, 2008.~~

~~(II) The initial term of office of the one board member representing the general public whose initial term would otherwise expire on June 30, 2009, shall expire on May 31, 2009, and the board member is eligible to serve one additional four-year term commencing on June 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's term or a vacancy in this position, the governor shall appoint a licensed psychologist to this position on the board, who is eligible to serve terms as described in subsection (3)(a) of this section commencing on June 1 of the applicable year.~~

~~(III) The initial term of office of one of the two licensed psychologist board members whose initial term would otherwise expire on June 30, 2010, shall expire on May 31, 2009. This board member shall be eligible to serve one additional four-year term, commencing on June 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in subsection (3)(a) of this section commencing on June 1 of the applicable year.~~

~~(IV) The initial terms of office of the remaining licensed psychologist board member and the other board member representing the general public, whose initial terms would otherwise expire on June 30, 2010, shall expire on May 31, 2010. Each of these board members shall be eligible to serve one additional four-year term commencing on June 1, 2010, and expiring on May 31, 2014. On and after the expiration of these board members' terms, persons appointed to these positions on the board shall serve terms as described in subsection (3)(a) of this section commencing on June 1 of the applicable year.~~

~~(V) The second term of office of the remaining board member representing the general public whose second term would otherwise expire on June 30, 2010, shall expire on May 31, 2010. The governor shall appoint one new representative of the general public to serve terms as described in subsection (3)(a) of this section commencing on June 1, 2010.~~

SECTION 23. In Colorado Revised Statutes, 12-245-304, **amend** (1)(d) and (1)(e); and **add** (1)(f) as follows:

12-245-304. Qualifications - examinations - licensure. (1) The board shall issue a license as a psychologist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d) Has had at least one year of postdoctoral experience practicing psychology under supervision approved by the board; ~~and~~

(e) Demonstrates professional competence by passing a single, written examination in psychology as prescribed by the board and a jurisprudence examination administered by the division; AND

(f) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f), UPON THE INITIAL APPLICATION FOR LICENSURE HAS COMPLETED A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), WITH SATISFACTORY RESULTS AS DETERMINED BY THE BOARD.

SECTION 24. In Colorado Revised Statutes, 12-245-402, **amend** (1) as follows:

12-245-402. State board of social work examiners - created - members - terms. (1) There is hereby created under the supervision and control of the division the state board of social work examiners, which ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United States and~~ residents of the state of Colorado.

SECTION 25. In Colorado Revised Statutes, 12-245-502, **amend** (1) as follows:

12-245-502. State board of marriage and family therapist examiners - created - members - terms. (1) There is hereby created under the supervision and control of the division the state board of marriage and family therapist examiners, which ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United States and~~ residents of the state of Colorado.

SECTION 26. In Colorado Revised Statutes, 12-245-601, **add** (1.5) and (2.5) as follows:

12-245-601. Definitions. As used in this part 6, unless the context otherwise requires:

(1.5) "CLINICAL SUPERVISION" MEANS SUPERVISION PROVIDED BY A LICENSED PROFESSIONAL COUNSELOR SUPERVISOR, LICENSED PSYCHOLOGIST, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED CLINICAL SOCIAL WORKER, OR LICENSED ADDICTION COUNSELOR; THAT IS NOT ADMINISTRATIVE IN NATURE; AND THAT MAY INCLUDE A COLLABORATIVE RELATIONSHIP THAT PROMOTES THE EDUCATION, GROWTH, AND DEVELOPMENT OF A LICENSED PROFESSIONAL COUNSELOR APPLICANT AND PROVIDES FOR THE EVALUATION OF THE APPLICANT'S CLINICAL PERFORMANCE AND COMPETENCY.

(2.5) "LICENSED PROFESSIONAL COUNSELOR SUPERVISOR" MEANS A LICENSED PROFESSIONAL COUNSELOR WHO HAS RECEIVED EDUCATION AND TRAINING IN THE CLINICAL SUPERVISION OF MENTAL HEALTH PROFESSIONALS AS DETERMINED BY THE BOARD.

SECTION 27. In Colorado Revised Statutes, 12-245-602, **amend** (1) as follows:

12-245-602. State board of licensed professional counselor examiners - created - members - fines. (1) There is hereby created the state board of licensed professional counselor examiners under the supervision and control of the division. The board ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United States and~~ residents of the state of Colorado.

SECTION 28. In Colorado Revised Statutes, 12-245-501, **add** (2.5) as follows:

12-245-501. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "CLINICAL SUPERVISION" MEANS:

(a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING SUPERVISED; AND

(b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

SECTION 29. In Colorado Revised Statutes, 12-245-504, **amend** (1)(d) as follows:

12-245-504. Qualifications - examination - licensure and registration. (1) The board shall issue a license as a marriage and family therapist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d) Subsequent to completing ~~his or her~~ THE APPLICANT'S master's or doctoral degree, has had at least two years of post-master's or one year of postdoctoral practice in individual and marriage and family therapy, including at least one thousand five hundred hours of face-to-face direct client contact as determined by the board for the purpose of assessment and intervention under ~~board-approved~~ CLINICAL supervision THAT MAY BE IN-PERSON OR TELESUPERVISION; and

SECTION 30. In Colorado Revised Statutes, 12-245-604, **amend** (1)(d) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (1) The board shall issue a license as a licensed professional counselor to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d)(I) Has at least two years of post-master's practice or one year of postdoctoral practice in licensed professional counseling under CLINICAL supervision; ~~approved by the board;~~ and

(II) HAS AT LEAST TWO THOUSAND HOURS OF PRACTICE IN COUNSELING, INCLUDING AT LEAST ONE THOUSAND FIVE HUNDRED HOURS OF FACE-TO-FACE DIRECT CLIENT CONTACT UNDER CLINICAL SUPERVISION THAT IS IN-PERSON OR IS TELESUPERVISION; AND

SECTION 31. In Colorado Revised Statutes, 12-245-604, **add** (5) as follows:

12-245-604. Licensure - examination - licensed professional counselors.

(5) (a) IF AN APPLICANT HAS COMPLETED AN EQUIVALENT PROGRAM AS DETERMINED BY THE BOARD PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION, THE BOARD SHALL NOT PLACE ADDITIONAL REQUIREMENTS, BARRIERS, OR BURDENS RELATED TO LICENSURE OR SUPERVISION ON THE APPLICANT.

(b) THE BOARD SHALL NOT GIVE PREFERENCE CONCERNING LICENSURE, SUPERVISION, OR OTHER REQUIREMENTS OF THIS PART 6 TO AN APPLICANT WHO HAS COMPLETED A MASTER'S OR DOCTORAL DEGREE IN PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL OR COLLEGE PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION BASED UPON THE ACCREDITING ORGANIZATION.

SECTION 32. In Colorado Revised Statutes, 12-245-701, **amend** (1) as follows:

12-245-701. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "Board" means the state board of ~~registered~~ UNLICENSED psychotherapists created by section 12-245-702.

SECTION 33. In Colorado Revised Statutes, 12-245-702, **amend** (1), (3), and (4) as follows:

12-245-702. State board of unlicensed psychotherapists - creation - membership. (1) There is hereby created the state board of ~~registered~~ UNLICENSED psychotherapists, which ~~shall be~~ is under the supervision and control of the division as provided in section 12-20-103 (2). The board ~~shall consist~~ CONSISTS of seven members who are residents of the state of Colorado.

(3) Four members of the board must be ~~registered~~ UNLICENSED psychotherapists. The governor shall appoint members to the board to serve terms of four years.

(4) Members of the state board of ~~registered~~ UNLICENSED psychotherapists appointed under subsection (2) or (3) of this section may serve two full consecutive terms.

SECTION 34. In Colorado Revised Statutes, 12-245-703, **amend** (1), (3), and (4); and **repeal** (2) as follows:

12-245-703. Database of unlicensed psychotherapists - unauthorized practice

- penalties - data collection. (1) The board shall maintain a database of all ~~registered~~ UNLICENSED psychotherapists. The board shall charge a fee in the same manner as authorized in section 12-20-105 for recording information in the database as required by this section. Information in the database maintained pursuant to this section is open to public inspection at all times.

(2) ~~A person who: Is licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245; is registered as a psychologist candidate, licensed social worker, marriage and family therapist candidate, or professional counselor candidate; or is enrolled in a professional training program at an approved school and actively working toward acquiring and demonstrating the necessary qualifications for licensure set forth in section 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-245-804 may, but is not required to, register with the database of registered psychotherapists.~~

(3) (a) ~~Any~~ BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3), AS AMENDED, A person not otherwise licensed, registered, or certified pursuant to this article 245 who is practicing psychotherapy in this state shall register with the board by submitting ~~his or her~~ THE PERSON'S name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, and years of experience in each specialty area. Upon receipt and review of the required information, the board may approve the psychotherapist for registration in the database required by subsection (1) of this section. ~~A registered~~ AN UNLICENSED psychotherapist shall update this information upon renewal of ~~his or her~~ THE PRACTITIONER'S registration and at other times and under conditions specified by the board by rule. At the time of recording the information required by this section, the ~~registered~~ UNLICENSED psychotherapist shall indicate whether ~~he or she~~ THE UNLICENSED PSYCHOTHERAPIST has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or misdemeanor.

(b) A PERSON REGISTERED AS AN UNLICENSED PSYCHOTHERAPIST PURSUANT TO THIS PART 7 BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3), AS AMENDED, AND WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY RENEW HIS OR HER REGISTRATION AND CONTINUE TO PRACTICE AS AN UNLICENSED PSYCHOTHERAPIST.

(4) An unlicensed person whose primary practice is psychotherapy or who holds himself or herself out to the public as able to practice psychotherapy for compensation shall not practice psychotherapy unless the person is registered with the board and included in the database required by this section. Notwithstanding the requirements of this section, ~~a registered psychotherapist~~ AN UNLICENSED PSYCHOTHERAPIST shall not use the term "licensed", "certified", "clinical", "state-approved", or any other term or abbreviation that would falsely give the impression that the psychotherapist or the service that is being provided is recommended by the state, based solely on inclusion in the database.

SECTION 35. In Colorado Revised Statutes, 12-245-801, **amend** (6) as follows:

12-245-801. Definitions. As used in this part 8, unless the context otherwise requires:

(6) "Certified" means certified as an ~~addiction counselor certified at level I, II, or III~~ ADDICTION TECHNICIAN OR ADDICTION SPECIALIST.

SECTION 36. In Colorado Revised Statutes, 12-245-802, **amend** (2) introductory portion as follows:

12-245-802. State board of addiction counselor examiners - created - members - terms. (2) The board consists of seven members who are citizens of the United States and residents of the state of Colorado. The governor shall appoint the members of the board as follows:

SECTION 37. In Colorado Revised Statutes, 12-245-804, **amend** (3) as follows:

12-245-804. Requirements for licensure and certification - rules. (3) The state board of ~~human services in the department of human services~~ ADDICTION COUNSELOR EXAMINERS shall promulgate rules ~~with approval of the board,~~ for certification of addiction counselors; EXCEPT THAT THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES SHALL ESTABLISH BY RULE EDUCATION REQUIREMENTS FOR CERTIFICATION in accordance with section 27-80-108 (1)(e).

SECTION 38. In Colorado Revised Statutes, 12-245-804, **amend** (1)(d)(I), (1)(e), (1)(g), and (2)(c); and **add** (3.5) and (3.7) as follows:

12-245-804. Requirements for licensure and certification - rules. (1) The board shall issue a license as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(d) Demonstrates professional competence by:

(I) Passing a ~~national~~ THE MASTER ADDICTION COUNSELOR examination ~~demonstrating special knowledge and skills in behavioral health disorders counseling as determined by the office of behavioral health in the department of human services and approved by the board~~ ADMINISTERED BY THE NATIONAL ASSOCIATION FOR ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION; and

(e) Has met the requirements for a certificate of addiction ~~counseling, level III~~ SPECIALIST;

(g) Has completed at least ~~five~~ THREE thousand hours of clinically supervised work experience IN THE ADDICTION FIELD WITH A MINIMUM OF TWO THOUSAND DIRECT CLINICAL HOURS. THE CLINICAL SUPERVISION MAY BE IN-PERSON OR TELESUPERVISION.

(2) The board shall issue a certification as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(c) Has met the requirements for certification ~~at a particular certification level~~ AS A CERTIFIED ADDICTION TECHNICIAN OR A CERTIFIED ADDICTION SPECIALIST AS

specified in rules adopted pursuant to subsection (3) of this section ~~by the state board of human services in the department of human services~~ AND AS SPECIFIED IN SUBSECTION (3.5) OF THIS SECTION.

(3.5) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE BOARD SHALL REQUIRE THAT:

(a) A CERTIFIED ADDICTION TECHNICIAN:

(I) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

(II) ACCRUED A MINIMUM OF ONE THOUSAND HOURS OF SUPERVISED CLINICAL EXPERIENCE HOURS OVER A MINIMUM OF SIX MONTHS, WHICH INCLUDES HOURS ACCRUED PRIOR TO THE APPLICATION FOR CERTIFICATION SO LONG AS THE SUPERVISED CLINICAL EXPERIENCE HOURS MEET ANY ADDITIONAL CRITERIA AS DEFINED BY THE BOARD;

(III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY THE BOARD;
AND

(IV) PASSED THE NATIONAL CERTIFICATION ADDICTION COUNSELOR LEVEL I EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION;

(b) A CERTIFIED ADDICTION SPECIALIST:

(I) HAVE A BACHELOR'S DEGREE IN A CLINICAL BEHAVIORAL HEALTH CONCENTRATION;

(II) ACCRUED A MINIMUM OF TWO THOUSAND HOURS OF SUPERVISED CLINIC WORK HOURS OVER A MINIMUM OF TWELVE MONTHS, WHICH MAY INCLUDE THE HOURS REQUIRED FOR CERTIFICATION AS A CERTIFIED ADDICTION SPECIALIST;

(III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY THE BOARD;
AND

(IV) PASSED THE NATIONAL CERTIFICATION ADDICTION COUNSELOR LEVEL II EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION FOR ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION.

(3.7)(a) THE BOARD SHALL REGISTER AS AN ADDICTION COUNSELOR CANDIDATE A PERSON WHO FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY THE FEE REQUIRED BY SECTION 12-245-205, WHO IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE 245 OR ANY RULES PROMULGATED BY THE BOARD, AND WHO:

(I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (1)(a), (1)(b), AND (1)(c) OF THIS SECTION; AND

(II) HAS NOT PREVIOUSLY REGISTERED AS AN ADDICTION COUNSELOR CANDIDATE

WITH THE BOARD.

(b) AN ADDICTION COUNSELOR CANDIDATE REGISTERED PURSUANT TO THIS SUBSECTION (3.7) IS UNDER THE JURISDICTION OF THE BOARD. IF THE REQUIREMENTS OF SUBSECTIONS (1)(d) TO (1)(g) OF THIS SECTION ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF REGISTRATION AS A CANDIDATE OR WITHIN ONE YEAR IF THE CANDIDATE HOLDS AN EQUIVALENT CREDENTIAL FROM ANOTHER STATE, THE REGISTRATION OF THE ADDICTION COUNSELOR CANDIDATE EXPIRES AND IS NOT RENEWABLE UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON WHOSE ADDICTION COUNSELOR CANDIDATE REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE OR REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE PERSON IS QUALIFIED.

SECTION 39. In Colorado Revised Statutes, 12-245-805, **amend** (1); and **add** (3) as follows:

12-245-805. Rights and privileges of certification and licensure - titles.

(1) Any person who possesses a valid, unsuspended, and unrevoked certificate as a ~~level I, II, or III certified addiction counselor~~ CERTIFIED ADDICTION TECHNICIAN OR CERTIFIED ADDICTION SPECIALIST has the right to practice addiction counseling under supervision or consultation as required by the rules of the state board of human services in the department of human services; a ~~level III certified addiction counselor has the right to~~ CERTIFIED ADDICTION SPECIALIST MAY supervise addiction counseling practice and ~~all levels of certification have the right to~~ MAY use the title "certified addiction counselor" and the abbreviations "CAC I", "CAC II", or "CAC III", ~~as applicable~~ "CAC" or "CAS"; AND A CERTIFIED ADDICTION TECHNICIAN MAY USE THE TITLE "CERTIFIED ADDICTION COUNSELOR" AND THE ABBREVIATIONS "CAC" OR "CAT". No other person shall assume these titles or use these abbreviations on any work or media to indicate that the person using the title or abbreviation is a certified addiction counselor.

(3) (a) THE PRACTICE OF A CERTIFIED ADDICTION TECHNICIAN MAY INCLUDE:

(I) COLLECTION OF BIOPSYCHOSOCIAL SCREENING DATA;

(II) SERVICE COORDINATION AND CASE MANAGEMENT;

(III) MONITORING COMPLIANCE WITH CASE MANAGEMENT PLANS;

(IV) SKILL-BASED EDUCATION;

(V) CO-FACILITATING THERAPY GROUPS WITH CERTIFIED ADDICTION SPECIALISTS OR LICENSED ADDICTION COUNSELORS;

(VI) CLIENT, FAMILY, AND COMMUNITY ADDICTION EDUCATION; AND

(VII) REFERRAL AND DISCHARGE RESOURCING AND PLANNING.

(b) THE PRACTICE OF A CERTIFIED ADDICTION SPECIALIST MAY INCLUDE:

(I) TREATING SUBSTANCE USE AND CO-OCCURRING DISORDERS;

- (II) CLINICAL ASSESSMENTS INCLUDING DIAGNOSTIC IMPRESSION;
- (III) TREATMENT PLANNING;
- (IV) REFERRAL AND DISCHARGE PLANNING;
- (V) SERVICE COORDINATION AND CASE MANAGEMENT;
- (VI) ADDICTION COUNSELING FOR INDIVIDUALS, FAMILIES, AND GROUPS; AND
- (VII) CLIENT, FAMILY, AND COMMUNITY EDUCATION AND PSYCHO-EDUCATION.

SECTION 40. In Colorado Revised Statutes, 12-245-806, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(I), (1)(b)(III), (1)(c) introductory portion, (1)(d), (2)(a), and (3) as follows:

12-245-806. Continuing professional competency - rules - definition.

(1) (a) In accordance with sections 12-245-803 and 12-245-804, the board issues a license or certificate to practice addiction counseling based on whether the applicant satisfies minimum educational and experience requirements that demonstrate professional competency to practice addiction counseling. After a license or a certificate ~~as a level II or level III addiction counselor~~ is issued to an applicant, the licensed or ~~level II or level III~~ certified addiction counselor shall maintain continuing professional competency to practice addiction counseling.

(b) ~~The board, in consultation with the~~ office of behavioral health in the department of human services, ~~and~~ IN CONSULTATION WITH other stakeholders, shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

(I) A self-assessment of the knowledge and skills of a licensed or ~~level II or level III~~ certified addiction counselor seeking to renew or reinstate a license;

(III) Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession. Nothing in this subsection (1)(b)(III) ~~shall require~~ REQUIRES a licensed or ~~level II or level III~~ certified addiction counselor to retake any examination required pursuant to section 12-245-804 in connection with initial licensure or certification.

(c) A licensed or ~~level II or level III~~ certified addiction counselor satisfies the continuing competency requirements of this section if the licensed or ~~level II or level III~~ certified addiction counselor meets the continued professional competence requirements of one of the following entities:

(d) (I) After the program is established, a licensed or ~~level II or level III~~ certified addiction counselor shall satisfy the requirements of the program in order to renew or reinstate a license or certificate to practice addiction counseling in Colorado.

(II) The requirements of this section apply to individual addiction counselors who are licensed or ~~level II or level III~~ certified pursuant to this part 8, and nothing in

this section shall be construed to require a person who employs or contracts with a licensed or ~~level II or level III~~ certified addiction counselor to comply with the requirements of this section.

(2) (a) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a licensed or certified addiction counselor. The records or documents shall be used only by the board for purposes of determining whether a licensed or ~~level II or level III~~ certified addiction counselor is maintaining continuing professional competency to engage in the profession.

(3) As used in this section, "continuing professional competency" means the ongoing ability of a licensed or ~~level II or level III~~ certified addiction counselor to learn, integrate, and apply the knowledge, skill, and judgment to practice as an addiction counselor according to generally accepted industry standards and professional ethical standards in a designated role and setting.

SECTION 41. In Colorado Revised Statutes, 27-80-108, **add** (2) as follows:

27-80-108. Rules. (2) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION, THE STATE BOARD OF HUMAN SERVICES SHALL REQUIRE THE FOLLOWING EDUCATION REQUIREMENTS:

(a) FOR CERTIFIED ADDICTION TECHNICIANS:

(I) COMPLETION OF COURSE WORK AND TRAINING IN ADDICTION COUNSELING, CLIENT RECORDS MANAGEMENT, PRINCIPLES OF ADDICTION, PROFESSIONAL ETHICS, CULTURALLY INFORMED TREATMENT, PHARMACOLOGY, MOTIVATIONAL INTERVIEWING, TRAUMA-INFORMED CARE, AND GROUP COUNSELING SKILLS; AND

(II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE BOARD OF HUMAN SERVICES.

(b) FOR CERTIFIED ADDICTION SPECIALISTS:

(I) COMPLETION OF COURSE WORK AND TRAINING IN CLINICAL ASSESSMENT AND TREATMENT PLANNING, COGNITIVE BEHAVIORAL THERAPY, CO-OCCURRING DISORDERS, ADVANCED PHARMACOLOGY, ADVANCED PROFESSIONAL ETHICS, ADVANCED MOTIVATIONAL INTERVIEWING, ADVANCED MODELS, SPECIALIZED ADDICTION TREATMENT, AND INFECTIOUS DISEASES; AND

(II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE BOARD OF HUMAN SERVICES.

SECTION 42. In Colorado Revised Statutes, 12-20-105, **amend** (2)(b)(II) as follows:

12-20-105. Fee adjustments - division of professions and occupations cash fund created - legal defense account created - definition. (2) (b) (II) The costs of the state board of psychologist examiners, the state board of marriage and family

therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, the state board of ~~registered~~ UNLICENSED psychotherapists, and the state board of addiction counselor examiners shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by the boards plus revenues generated pursuant to section 12-245-703 shall be compared to those collective costs to determine recovery of direct and indirect costs.

SECTION 43. In Colorado Revised Statutes, 12-20-407, **amend** (1)(a)(V)(N) as follows:

12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 for the first offense and, for the second or any subsequent offense, commits a class 6 felony and shall be punished as provided in section 18-1.3-401 if the person:

(V) Practices or offers or attempts to practice any of the following professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the particular profession or occupation:

(N) Practice as a psychologist, social worker, marriage and family therapist, licensed professional counselor, UNLICENSED psychotherapist, or addiction counselor, as regulated under article 245 of this title 12;

SECTION 44. In Colorado Revised Statutes, 12-200-108, **amend** (4)(a) introductory portion; and **repeal** (4)(a)(III) as follows:

12-200-108. Unlawful acts - exceptions - definition. (4) (a) Notwithstanding any provision of this article 200 to the contrary, a ~~mental health care~~ professional who has provided documentation that he or she has been trained to perform auricular acudetox in compliance with subsection (4)(d) of this section may perform auricular acudetox if the auricular acudetox is performed under the ~~mental health care~~ professional's current scope of practice, and the ~~mental health care~~ professional is:

(III) ~~Registered as a psychotherapist pursuant to part 7 of article 245 of this title 12.~~

SECTION 45. In Colorado Revised Statutes, **amend** 12-245-101 as follows:

12-245-101. Legislative declaration. The general assembly hereby finds and determines that, in order to safeguard the public health, safety, and welfare of the people of this state and in order to protect the people of this state against the unauthorized, unqualified, and improper application of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, and addiction counseling, it is necessary that the proper regulatory authorities be established and adequately provided for. The general assembly therefore declares that there shall be established a state board of psychologist examiners, a state board of social work examiners, a state board of marriage and family therapist examiners, a state board of licensed professional counselor examiners, a state board of ~~registered~~

UNLICENSED psychotherapists, and a state board of addiction counselor examiners with the authority to license, register, or certify, and take disciplinary actions or bring injunctive actions, or both, concerning licensed psychologists and psychologist candidates, licensed social workers, licensed marriage and family therapists and marriage and family therapist candidates, licensed professional counselors and licensed professional counselor candidates, ~~registered~~ UNLICENSED psychotherapists, and licensed and certified addiction counselors, respectively, and mental health professionals who have been issued a provisional license pursuant to this article 245.

SECTION 46. In Colorado Revised Statutes, 12-245-202, **amend** (1) and (16); **repeal** (15); and **add** (17) as follows:

12-245-202. Definitions. As used in this article 245, unless the context otherwise requires:

(1) "Board" includes the state board of psychologist examiners, the state board of social work examiners, the state board of licensed professional counselor examiners, the state board of marriage and family therapist examiners, the state board of ~~registered~~ UNLICENSED psychotherapists, and the state board of addiction counselor examiners.

(15) (a) "~~Registered psychotherapist~~" means a person:

~~(I) Whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation; and~~

~~(II) Who is registered with the state board of registered psychotherapists pursuant to section 12-245-703 to practice psychotherapy in this state.~~

(b) "~~Registered psychotherapist~~" also includes a person who:

~~(I) Is a licensed school psychologist licensed pursuant to section 22-60.5-210~~
(1)(b);

~~(II) Is practicing outside of a school setting; and~~

~~(III) Is registered with the state board of registered psychotherapists pursuant to section 12-245-703.~~

(16) "Registrant" means a psychologist candidate, marriage and family therapist candidate, CLINICAL SOCIAL WORKER CANDIDATE, or licensed professional counselor candidate registered pursuant to section 12-245-304 (3), 12-245-504 (4), or 12-245-604 (4), respectively, or a ~~registered~~ AN UNLICENSED psychotherapist.

(17) (a) "UNLICENSED PSYCHOTHERAPIST" MEANS A PERSON:

(I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION; AND

(II) WHO IS REGISTERED WITH THE STATE BOARD OF UNLICENSED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703 TO PRACTICE PSYCHOTHERAPY IN THIS STATE.

(b) "UNLICENSED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON WHO:

(I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO SECTION 22-60.5-210 (1)(b);

(II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

(III) IS REGISTERED WITH THE STATE BOARD OF UNLICENSED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703.

SECTION 47. In Colorado Revised Statutes, 12-245-203, **amend** (2) as follows:

12-245-203. Practice outside of or beyond professional training, experience, or competence - general scope of practice for licensure, registration, or certification. (2) The practice of psychotherapy is one area of practice for mental health professionals licensed, certified, or registered pursuant to this article 245 but may not be the only or primary practice area of the professionals, other than persons registered as UNLICENSED psychotherapists pursuant to part 7 of this article 245. The requirements for licensure, registration, or certification as a mental health professional pursuant to this article 245 are contained in sections 12-245-303, 12-245-403, 12-245-503, 12-245-603, and 12-245-803, which define the practice of psychology, social work, marriage and family therapy, licensed professional counseling, and addiction counseling, respectively.

SECTION 48. In Colorado Revised Statutes, 12-245-205, **amend** (4) as follows:

12-245-205. Fees - renewal. (4) The director shall coordinate fee-setting pursuant to this section so that all licensees, registrants, and certificate holders pay fees as required by this section. ~~and section 12-245-703 (1).~~

SECTION 49. In Colorado Revised Statutes, **amend** 12-245-210 as follows:

12-245-210. Drugs - medicine. Nothing in this article 245 permits psychologists, social workers, marriage and family therapists, licensed professional counselors, ~~psychotherapists~~, and addiction counselors licensed ~~registered~~, or certified under this article 245 to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by the laws of this state.

SECTION 50. In Colorado Revised Statutes, 12-245-213, **amend** (1)(b)(VI) as follows:

12-245-213. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions. (1) Licensees, registrants, or certificate holders may form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling under the "Colorado Business Corporation Act", articles 101

to 117 of title 7, if the corporations are organized and operated in accordance with this section. The articles of incorporation of a professional service corporation formed pursuant to this section must contain provisions complying with the following requirements:

(b) The corporation must be organized by licensees, registrants, or certificate holders for the purpose of conducting the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling by the respective licensees, registrants, or certificate holders of those practices. The corporation may be organized with any other person, and any person may own shares in the corporation, if the following conditions are met:

(VI) The practice of psychotherapy, as defined in section 12-245-202, by the professional service corporation is performed by ~~a registered~~ AN UNLICENSED psychotherapist acting independently or under the supervision of a person licensed pursuant to this article 245 or ~~a registered~~ AN UNLICENSED psychotherapist. Any ~~registered~~ UNLICENSED psychotherapist member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided in this article 245.

SECTION 51. In Colorado Revised Statutes, 12-245-216, **amend** (1)(d)(IV), (1)(e), and (4)(g) as follows:

12-245-216. Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every licensee, registrant, or certificate holder shall provide the following information in writing to each client during the initial client contact:

(d) A statement indicating that:

(IV) The information provided by the client during therapy sessions is legally confidential in the case of licensed marriage and family therapists, social workers, professional counselors, and psychologists; licensed or certified addiction counselors; and ~~registered~~ UNLICENSED psychotherapists, except as provided in section 12-245-220 and except for certain legal exceptions that will be identified by the licensee, registrant, or certificate holder should any such situation arise during therapy; and

(e) If the mental health professional is ~~a registered~~ AN UNLICENSED psychotherapist, a statement indicating that ~~a registered~~ AN UNLICENSED psychotherapist is a psychotherapist listed in the state's database and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state.

(4) The disclosure of information required by subsection (1) of this section is not required when psychotherapy is being administered in any of the following circumstances:

(g) By a person licensed or certified pursuant to this article 245 or by ~~a registered~~ AN UNLICENSED psychotherapist practicing in a hospital that is licensed or certified

under section 25-1.5-103 (1)(a)(I) or (1)(a)(II).

SECTION 52. In Colorado Revised Statutes, 12-245-225, **amend** (1)(d) as follows:

12-245-225. Authority of boards - cease-and-desist orders - rules. (1) If a licensee, registrant, or certificate holder violates any provision of section 12-245-224, the board that licenses, registers, or certifies the licensee, registrant, or certificate holder may, in accordance with section 12-20-404:

(d) Deny, revoke, or suspend the listing of a ~~registered~~ AN UNLICENSED psychotherapist in the state board of ~~registered~~ UNLICENSED psychotherapists database established pursuant to section 12-245-703;

SECTION 53. In Colorado Revised Statutes, 12-245-231, **amend** (5) as follows:

12-245-231. Mental health professional peer health assistance program - fees - administration - rules. (5) As used in this section, "mental health professional" means a psychologist, social worker, marriage and family therapist, licensed professional counselor, ~~psychotherapist~~, or addiction counselor regulated under this article 245.

SECTION 54. In Colorado Revised Statutes, 12-245-304, **amend** (3)(b) as follows:

12-245-304. Qualifications - examinations - licensure. (3) (b) A psychologist candidate registered pursuant to this subsection (3) is under the jurisdiction of the board. The psychologist candidate may, but is not required to, register with the database of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703. If the requirements of subsections (1)(d) and (1)(e) of this section are not met within four years, the registration of the psychologist candidate expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose psychologist candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified.

SECTION 55. In Colorado Revised Statutes, 12-245-306, **amend** (6) as follows:

12-245-306. Exemptions. (6) Nothing in this part 3 prevents the practice of psychotherapy by persons registered with the state board of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 56. In Colorado Revised Statutes, 12-245-404, **amend** (4) as follows:

12-245-404. Qualifications - examination - licensure and registration. (4) A person licensed as a licensed social worker pursuant to subsection (1) of this section may, but is not required to, register with the database of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 57. In Colorado Revised Statutes, 12-245-406, **amend** (5) as follows:

12-245-406. Scope of part. (5) Nothing in this part 4 prevents the practice of psychotherapy by persons registered with the state board of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 58. In Colorado Revised Statutes, 12-245-504, **amend** (4)(b) as follows:

12-245-504. Qualifications - examination - licensure and registration. (4) (b) A marriage and family therapist candidate who registers with the board pursuant to this subsection (4) is under the jurisdiction of the board and may, but is not required to, register with the database of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 59. In Colorado Revised Statutes, 12-245-505, **amend** (5) as follows:

12-245-505. Rights and privileges of licensure and registration - title. (5) Nothing in this part 5 prevents the practice of psychotherapy by persons registered with the state board of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 60. In Colorado Revised Statutes, 12-245-604, **amend** (4)(b) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (4) (b) A licensed professional counselor candidate who registers with the board pursuant to this subsection (4) is under the jurisdiction of the board and may, but is not required to, register with the database of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 61. In Colorado Revised Statutes, 12-245-605, **amend** (4) as follows:

12-245-605. Rights and privileges of licensure - title. (4) Nothing in this part 6 prevents the practice of psychotherapy by persons registered with the state board of ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 62. In Colorado Revised Statutes, 13-90-107, **amend** (1)(g) as follows:

13-90-107. Who may not testify without consent - definitions. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(g) A licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, a ~~registered~~ AN UNLICENSED psychotherapist, a certified addiction counselor, a psychologist candidate registered pursuant to section 12-245-304 (3), a marriage and family therapist candidate registered pursuant to section 12-245-504 (4), a licensed professional counselor candidate registered pursuant to section 12-245-604 (4), or a person described in section 12-245-217 shall not be examined without the consent of the licensee's, certificate holder's, registrant's, candidate's, or person's client as to any

communication made by the client to the licensee, certificate holder, registrant, candidate, or person or the licensee's, certificate holder's, registrant's, candidate's, or person's advice given in the course of professional employment; nor shall any secretary, stenographer, or clerk employed by a licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, ~~a registered~~ ~~AN UNLICENSED~~ psychotherapist, a certified addiction counselor, a psychologist candidate registered pursuant to section 12-245-304 (3), a marriage and family therapist candidate registered pursuant to section 12-245-504 (4), a licensed professional counselor candidate registered pursuant to section 12-245-604 (4), or a person described in section 12-245-217 be examined without the consent of the employer of the secretary, stenographer, or clerk concerning any fact, the knowledge of which the employee has acquired in such capacity; nor shall any person who has participated in any psychotherapy, conducted under the supervision of a person authorized by law to conduct such therapy, including group therapy sessions, be examined concerning any knowledge gained during the course of such therapy without the consent of the person to whom the testimony sought relates.

SECTION 63. In Colorado Revised Statutes, 18-6.5-108, **amend** (1)(b)(VII) as follows:

18-6.5-108. Mandatory reports of mistreatment of at-risk elders and at-risk adults with IDD - list of reporters - penalties. (1) (b) The following persons, whether paid or unpaid, shall report as required by subsection (1)(a) of this section:

(VII) Psychologists, addiction counselors, professional counselors, marriage and family therapists, and ~~registered~~ ~~UNLICENSED~~ psychotherapists, as those persons are defined in article 245 of title 12;

SECTION 64. In Colorado Revised Statutes, 19-1-307, **amend** (2)(e.5)(I)(G) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty - adult protective services data system check. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall have access to child abuse or neglect records and reports:

(e.5) (I) A mandatory reporter specified in this subsection (2)(e.5)(I) who is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, but only with regard to information that the mandatory reporter has a need to know in order to fulfill his or her professional and official role in maintaining the child's safety. A county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement, unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report. This subsection (2)(e.5)(I) applies to:

(G) ~~Registered~~ ~~UNLICENSED~~ psychotherapists;

SECTION 65. In Colorado Revised Statutes, 19-3-304, **amend** (2)(z) as follows:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(z) ~~Registered~~ UNLICENSED psychotherapists;

SECTION 66. In Colorado Revised Statutes, 24-1-122, **amend** (3)(II) as follows:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of professions and occupations:

(II) State board of ~~registered~~ UNLICENSED psychotherapists, created by part 7 of article 245 of title 12;

SECTION 67. In Colorado Revised Statutes, 26-3.1-102, **amend** (1)(b)(VII) as follows:

26-3.1-102. Reporting requirements. (1) (b) The following persons, whether paid or unpaid, are urged to report as described in subsection (1)(a) of this section:

(VII) Psychologists, addiction counselors, professional counselors, marriage and family therapists, and ~~registered~~ UNLICENSED psychotherapists, as those persons are defined in article 245 of title 12;

SECTION 68. In Colorado Revised Statutes, 30-10-606, **amend** (6)(a)(II) as follows:

30-10-606. Coroner - inquiry - grounds - postmortem - jury - certificate of death. (6) (a) Notwithstanding sections 12-245-220 and 13-90-107 (1)(d) or (1)(g), the coroner holding an inquest or investigation pursuant to this section has the authority to request and receive a copy of:

(II) Any information, record, or report related to treatment, consultation, counseling, or therapy services from any licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, certified addiction counselor, ~~registered~~ UNLICENSED psychotherapist, psychologist candidate registered pursuant to section 12-245-304 (3), marriage and family therapist candidate registered pursuant to section 12-245-504 (4), licensed professional counselor candidate registered pursuant to section 12-245-604 (4), or person described in section 12-245-217, if the report, record, or information is relevant to the inquest or investigation.

SECTION 69. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 14, 2020